

REMARKS

The disclosure is objected to based on an alleged error in claim 9. Claim 9 has been amended as suggested by the Examiner.

Claims 4, 6-11 and 17-24 stand rejected under 35 USC §112 as allegedly being indefinite for failing to particularly point out and distinctly claim the invention. With the exception of claims 9 and 16, all alleged problems identified by the Examiner have been addressed by amendment. In claim 9, the second and third wheel axes are in fact transverse to each other and the axis of the first wheel. None of the three axes is parallel. In claim 16, in line 4, "an intended line" is identified to provide antecedent basis for the later use of that terminology in claim 16.

Claims 1-25 are currently pending in the case. Claims 3 and 25 are hereby cancelled. New claims 26 and 27 are presented for consideration.

Claims 1, 2, 5-8, 12-14 and 16-20 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. 4,377,979, to Peterson et al. Claims 1, 2, 5-8, 12-14 and 16-20 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. 4,550,122, to David et al. Claims 21-23 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. 4,785,890, to Martin. Claim 4 stands rejected under 35 USC §103 as unpatentable over Peterson et al in view of U.S. Patent No. 4,407,371, to Hohl. Claims 9-11 and 15 stand rejected under 35 USC §103 as unpatentable over Peterson et al in view of Martin. Claim 24 stands rejected under 35 USC §103 as unpatentable over Martin in view of U.S. Patent No. 5,129,282, to Bassett et al.

Reconsideration of the rejection of claims 1, 2 and 4-24 and consideration of newly presented claims 26 and 27 are requested.

Claim 1 has been amended to characterize the frame as having a front and rear. The second means on the frame is characterized as overlapping the first means in a fore and aft direction and extending rearwardly beyond the first means.

Peterson et al do not teach or suggest any corresponding first and second means which overlap in a fore and aft direction.

David et al do not teach or suggest a corresponding second means that extends rearwardly beyond a corresponding first means.

Claims 2, 5-8 and 12-14 depend cognately from claim 1 and recite further significant structural detail to further distinguish over the art.

Claim 16 has been amended to characterize the frame as having a front and rear, with the first means characterized as comprising a first wheel that is rotatable about a first axis that is substantially perpendicular to the intended line of introduction of at least one of seed and fertilizer. The second means is characterized as comprising a toothed wheel that overlaps the first wheel in a fore and aft direction and resides entirely rearwardly of the first axis.

Only David et al teaches any fore and aft overlap of any corresponding first and second means. However, all wheels have substantially the same fore and aft extent. That is, the corresponding second means does not reside entirely rearwardly of the axis of the flat disk 23.

Claims 17-20 depend cognately from claim 16 and recite further significant structural detail to further distinguish over the cited art. For example, claim 18 characterizes the first means as a first wheel and the second means as second and third wheels, mounted to the frame for rotation about non-parallel axes, with the second and third wheels each having a peripheral edge that is in close proximity to the first wheel to thereby strip soil clods adhering to the first wheel.

Peterson et al's trailing wheels are in non-overlapping relationship. In David et al, the periphery of the outer wheels is not in close proximity to the disk 23 as to perform the soil stripping function.

Claim 21 recites first and second cooperating toothed wheels which penetrate soil to a depth at least equal to the depth of a slot formed by a slot defining means.

Martin teaches toothed wheels that run at a substantially shallower depth than the disks 32, as seen clearly in Fig. 7. The wheels recited in claim 21 loosen soil to facilitate slot formation and even seed coverage when the soil is replaced.

Claims 22 and 23 both depend from claim 21 and further distinguish over the prior art.

Claim 4 characterizes the coulter wheel as one of a wave and ripple construction. Peterson et al disclose a flat disk 63 in an upstream position and a coulter-type wheel 30 in a downstream position. Peterson et al do not disclose generic disks, i.e. flat and coulter-type, at each location, but rather disclosed a specific construction at each. Had Peterson et al had contemplated a coulter wheel in a leading position, surely it would have been so disclosed. However, Peterson et al is devoid of any such teaching. There is no suggestion in Hohl of substituting a coulter wheel for the flat disk in Peterson et al as to make the Examiner's proposed combination proper.

Claims 9-11 recite a specific orientation of wheels. It is believed that the Examiner has done nothing more than take various elements in Peterson et al and Martin and combine them with the benefit of hindsight to arrive at the claimed structure. The suggestion to do this is absent from these references. This combination is thus improper.

Claim 15 recites structure to vary the vertical position of the first wheel relative to the main frame part.

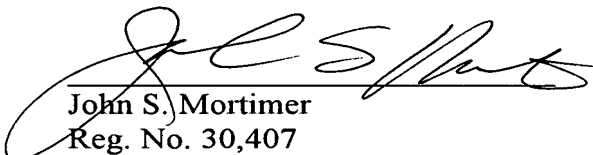
Claim 24 recites structure for varying the vertical position of the first and second wheels relative to the frame. While Bassett teaches an adjustable arrangement of wheels, there is no teaching or suggestion of using the of wheels therein in combination with the elements of claim 21, from which claim 24 depends.

New claim 26 characterizes the third means as means for selectively varying the height of the second wheel relative to the first wheel, with new claim 27 characterizing the first means as including means for selectively varying the height of the first wheel relative to both of the frame and second wheel.

Reconsideration of the rejection of claims 1, 2, 4-24 and allowance of the case are requested.

Should additional fees be required in connection with this matter, please charge our deposit account No. 23-0785.

Respectfully submitted,



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